

BILL NO. S-91-01- 40

SPECIAL ORDINANCE NO. S- 29-91

AN ORDINANCE approving the awarding of Reference #1445 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ELF ASPHALT for the Street Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1445 between the City of Fort Wayne, by and through its Department of Purchasing and ELF ASPHALT for the Street Department, respectfully for:


the purchase of bituminous materials during 1991 for the Street Department;

involving a total cost of Two Hundred Eighteen Thousand and no/100+/- Dollars (\$218,000.00), all as more particularly set forth in said Reference #1445 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

REF. NO.: 1445
DEPT.: STREET DEPARTMENT
DATE: 1/22/91
ITEM/SERV.: BITUMINOUS MATERIALS

PURCHASING INFORMATION

ADVERTISED BID: YES
DATES ADVERTISED: 11/12/90 & 11/19/90
OPENING DATE: 12/13/90
WRITTEN QUOTE:
DUE DATE:
VERBAL QUOTE:
SINGLE SOURCE:
NO. OF VENDORS NOTIFIED: 12
NO. OF VENDORS RECEIVING BID: 3
NO. OF VENDORS RETURNING BID: 1
NO. OF VENDORS DISQUALIFIED: 0
NO. OF VENDORS NOT RESPONDING: 11
DATE SENT TO DEPT FOR RECOMM.: 12/13/90
DATE RECOMMENDATION REC'D IN PURCH: 1/8/91

COUNCIL INFORMATION DATES SENT EXTENSION DATES
DATE INFO SENT TO LAW DEPT.: 1/22/91
INTRODUCTION DATE: 1/22/91
DISCUSSION DATE: 2/5/91
PASSAGE DATE: 2/12/91
ORDINANCE NO.:

REFERENCE NO. 1445
ASPHALT/BITUMINOUS MATERIALS
STREET DEPARTMENT

DESCRIPTION	ELF ASPHALT
AE 300	\$168.00
AC 20	\$152.00
AE-T (TACK)	\$132.00
AE-90S, AE300 S	\$228.00
AE-150 EMULSION	\$156.00
DUSTAY	\$108.00
AC-13	\$228.00
CRACK SEAL MAT'L	\$228.00

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 12-13-90 @ 11:00 AM BID REFERENCE # 1445

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR ASPHALT/BITUMINOUS MATERIALS,

AE300, AC20, AE-T (TACK), AE 90S, AE150 EMULSION, DUSTAY, AC-13,
MS-ST PER SPECIFICATIONS

AND REQUESTED BY CITY OF FORT WAYNE STREET DEPARTMENT

THIS BID REQUIRES A XXX \$1000.00 BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: %
IF PAID WITHIN DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME elf asphalt

STREET ADDRESS 2720 Durbin ; P.O.Box 1295

CITY Warsaw, IN 46580 PHONE # (219) 267-5076

BY 
REPRESENTATIVE SIGNATURE

Philip Ehrman, Vice President

CITY OF FORT WAYNE
ANNUAL EMULSION REQUIREMENTS

THE CITY OF FORT WAYNE, INDIANA, IS REQUESTING BIDS FOR THE PURCHASE OF ASPHALT/BITUMINOUS MATERIALS FOR THE STREET DEPT REQUIREMENTS NECESSARY FOR A NUMBER OF RESURFACING PROJECTS.

THE ANNUAL REQUIREMENTS FOR THESE MATERIALS ARE ESTIMATED AT 309021 GAL. ACTUAL QUANTITIES PURCHASED MAY BE MORE OR LESS.

ALL MATERIAL BID MUST MEET SPECIFICATIONS OUTLINED IN THE 1985 INDIANA DEPARTMENT OF HIGHWAY, STANDARD SPECIFICATIONS, 902.04, (a) REQUIREMENTS FOR ASPHALT EMULSIONS.

PRICES BID MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF THE AGREEMENT. THERE SHALL BE NO ADDITIONAL CHARGES FOR DELIVERY, HANDLING OR ANY OTHER MISC FEES.

TERM OF AGREEMENT: FROM TIME OF AWARD THRU 12-31-91

FOB: FORT WAYNE

STATE COST PER UNIT DELIVERED

DESCRIPTION	COST PER UNIT
AE 300 - <i>S</i>	\$ <u>168.00</u> per ton
AC 20	\$ <u>152.00</u> " "
AE-T (TACK)	\$ <u>132.00</u> " "
AE-90S, AE300 S	\$ <u>228.00</u> " "
AE-150 EMULSION	\$ <u>156.00</u> " "
DUSTAY	\$ <u>108.00</u> " "
AC-13	\$ <u>228.00</u> " "
CRACK SEAL MAT'L	\$ <u>228.00</u> " "

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.3)
(Please type or print)

Date: December 13, 1990

1. Governmental Unit: City of Fort Wayne
2. County: Allen County, Indiana
3. Bidder (Firm): elf asphalt
Address: 2720 Durbin ; P.O.Box 1295
City/State: Warsaw, IN 46580
4. Telephone Number: (219) 267-5076
5. Agent of Bidder (if applicable):

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (environmental unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Signature of Bidder or Agent

Philip Ehrman, Vice President

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
seph COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

elf asphalt

Signature of Bidder or Agent

Philip Ehrman,
Vice President

Subscribed and sworn to before me this 13th day of December, 1990

My Commission Expires: 10/09/94

County of Residence: St. Joseph

Darlene K. Meade

Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for _____ classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Numbers:

Date: _____

For verification of the authenticity of this Power of Attorney, you may telephone toll free 1-800-328-2189 and ask for the Power of Attorney Clerk. Please refer to the Certificate of Authority No. and the named individual(s).

1464931

GENERAL POWER OF ATTORNEY - CERTIFIED COPY
(Original on File at Home Office of Company. See Certification.)

KNOW ALL MEN BY THESE PRESENTS: That **St. Paul Fire and Marine Insurance Company**, a corporation organized and existing under the laws of the State of Minnesota, having its principal office in the City of St. Paul, Minnesota, does hereby constitute and appoint:

William S. Heck, Gene Davis, Joseph M. Scepanski, Fred Eickhoff,
Michael E. Page, individually, Indianapolis, Indiana

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise,

UNLIMITED AS TO CHARACTER AND AMOUNT

and the execution of all such instrument(s) in pursuance of these presents, shall be as binding upon said **St. Paul Fire and Marine Insurance Company**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of Article V-Section 6(C), of the By-Laws adopted by the Shareholders of **ST. PAUL FIRE AND MARINE INSURANCE COMPANY** at a meeting called and held on the 28th day of April, 1978, of which the following is a true transcript of said Section 6(C):

- "The President or any Vice President, Assistant Vice President, Secretary or Service Center General Manager shall have power and authority
- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
 - (2) To appoint special Attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the By-Laws of the Company, and
 - (3) To remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 6th day of May, 1959, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."



IN TESTIMONY WHEREOF, **St. Paul Fire and Marine Insurance Company** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 20th day of April, A.D. 1990.

STATE OF MINNESOTA } ss.
County of Ramsey

ST. PAUL FIRE AND MARINE INSURANCE COMPANY

David Litzkow

DAVID LITZKOW, Vice President

On this 31st day of August, 19 90, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said that he/she is the therein described and authorized officer of **St. Paul Fire and Marine Insurance Company**; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his/her signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the city of St. Paul, Minnesota, the day and year first above written.

Mary C. Stemper

MARY C. STEMPER, Notary Public, Ramsey County, MN
My Commission Expires November 1, 1990

CERTIFICATION

I, the undersigned officer of **St. Paul Fire and Marine Insurance Company**, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the **ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY**, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.



IN TESTIMONY WHEREOF, I have hereunto set my hand this

13th day of December, 19 90

Jerome H. Noldin
JEROME H. NOLDIN, Secretary

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photocopies, carbon copies or other reproductions of this document are invalid and not binding upon the Company.

ANY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT ANY VALIDITY.



Elf Asphalt, Inc.

1000 Executive Parkway
P.O. Box 27327
St. Louis, Missouri 63141-1727

Telephone
314/878-0793
FAX 314/469-0381

AFFIRMATIVE ACTION POLICY

EQUAL EMPLOYMENT OPPORTUNITY POLICY

TO: All Supervisors, Foremen and Employees

FROM: S. E. Butwin, Equal Employment Opportunity Officer

In accordance with Executive Order 11246, and Federal Highway Administration Interim Order 7-2, Elf Asphalt, Inc. shall extend equal employment opportunity to all employees and prospective employees without regard to race, color, religion, organizational affiliation, sex, or national origin.

Further, be it known that (1) employment shall be offered to all qualified applicants on the basis of experience and qualification; (2) applications shall be solicited from all minority groups. Applicants shall be urged to apply for positions with Elf Asphalt, Inc. in accordance with their qualifications; (3) promotions and advancement within Elf Asphalt, Inc. has been and shall be made on the basis of technical advancement, experience, and job classification without reference to race, color, religion, organizational affiliation, sex, or national origin; (4) minority group applicants are being urged by official letter, newspaper advertisement, and personal contact to apply for employment with Elf Asphalt, Inc.; and (5) all employees are urged to seek out and encourage minority group members to make application with Elf Asphalt, Inc.

Any questions pertaining to the specific details of the Equal Employment Opportunity Policy of Elf Asphalt, Inc. should be directed to Mr. Stephen E. Butwin, Chief Equal Employment Opportunity Officer, Area Code 314/878-0793.

Violations of the above policy shall be immediately reported to the Equal Employment Opportunity Officer for immediate correction and appropriate disciplinary action.

May 7, 1990

Read the first time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, read the second time title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____, day of _____, at _____ o'clock _____ M., E.S.T.

DATED: 1-22-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, placed on its passage. PASSED lost by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 2-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. S-29-91
on the 12th day of February, 1991,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of February, 1991, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of February, 1991, at the hour of 3:00 o'clock P.M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 1445 for bituminous materials for the Street Department for 1991. The cost reflects the most responsive of one (1) vendor.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Bituminous materials for various asphalt procedures.

IF REPLACEMENT, WHAT NECESSITATES:
N/A

891-01-40

EFFECT OF NON-PASSAGE: Cannot proceed with asphalt program.

PRIOR APPROVAL REQUESTED:

MONIES INVOLVED: Elf Asphalt \$218,000.00 +/-

PRICE AGREEMENT: Yes

PURCHASE ORDER:

SOURCE OF FUNDING: Street Dept 128-128-1201-4272

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:

BILL NO. S-91-01-40

REPORT OF THE COMMITTEE ON PUBLIC WORKS

JANET G. BRADBURY, CHAIRPERSON
CLETUS R. EDMONDS, VICE CHAIRMAN
GIAQUINTA, REDD, HENRY

WE, YOUR COMMITTEE ON Public Works TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding
of Reference #1445 by the City of Fort Wayne, Indiana, by and
through its Department of Purchasing and ELF ASPHALT for the
Street Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

J. G. Bradbury

C. R. Edmonds

G. R. Edmonds

M. E. G. G. G.

G. R. Edmonds

G. R. Edmonds

G. R. Edmonds

G. R. Edmonds

G. R. Edmonds

G. R. Edmonds

G. R. Edmonds

G. R. Edmonds

G. R. Edmonds

DATED: 2-12-91.

Sandra E. Kennedy
City Clerk